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March 16, 2007

VIA HAND DELIVERY & ELECTRONIC FILING

The Honorable Mary Pat Thyng
United States Magistrate Judge
United States District Court
for the District of Delaware
J. Caleb Boggs Federal Bldg.
844 N. King St.
Room 6100
Wilmington, DE 19801

Re: *L.J. Zucca, Inc. v. Allen Bros. Wholesale Distributors Inc., et al.*
Civil Action No. 07-CV-00002 (MPT)

Dear Magistrate Judge Thyng:

In anticipation of our conference call with Your Honor scheduled for March 26, 2007 at 8:30 a.m., we have polled counsel for each of the parties and all counsel agree that discovery should be stayed in this matter pending decision on Defendant Cooper-Booth Wholesale Company's Motion for Partial Judgment on the Pleadings.

Cooper-Booth's motion, if granted, would be dispositive of this entire case. Every count in Plaintiff's Amended Verified Complaint is predicated on a violation of the Delaware Unfair Cigarette Sales Act, 6 *Del. C.* §§ 2601 – 2608. It is Cooper-Booth's position that the Delaware statute is preempted by the federal Sherman Act, an issue that we are currently litigating with some success in a related lawsuit in New Jersey. Accordingly, counsel agree that it makes economic and pragmatic sense to await decision on the motion pending before Your Honor and not engage in discovery for a case that might very well be dismissed.

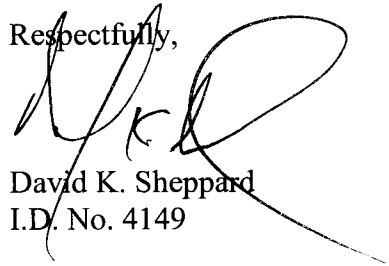


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This letter also confirms, as stated in the conference call with Your Honor on March 14, 2007, that Cooper-Booth consents to Your Honor's jurisdiction for all purposes.

We thank you for your time and consideration and look forward to speaking with Your Honor again on March 26, 2007.

Respectfully,



David K. Sheppard
I.D. No. 4149

DKS:ka/pfc

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